

©
Government of Kerala
കേരള സർക്കാർ
2012



Reg. No. രജി. നമ്പർ
KL/TV(N)/12/12-14

KERALA GAZETTE

കേരള ഗസറ്റ്

PUBLISHED BY AUTHORITY

അധികാരികമായി പ്രസിദ്ധീകരിച്ചതുന്ത്

Vol. LVII
വാല്യം 57

THIRUVANANTHAPURAM, TUESDAY
തിരുവനന്തപുരം, ചൊല്ല

19th June 2012
2012 ജൂൺ 19
29th Jyaishtha 1934
1934 ജൂൺ 29

No.
നമ്പർ } 25

PART III

Judicial Department

THE HIGH COURT OF KERALA

(ii)

NOTIFICATION

No. B1-57/2012.

26th May 2012.

(i)

In exercise of the powers conferred by Section 11(3) of the Code of Criminal Procedure 1973, the High Court of Kerala hereby appoints the person mentioned in column (2) of the Schedule hereto attached to be the Judicial Magistrate of the First Class to preside over the Court specified against his name in column (3) thereof from the date on which he take charge.

SCHEDULE

Sl. No.	Name	Court
(1)	(2)	(3)
1	Shri Sreeraj, S.	Judicial First Class Magistrate, Thaliparamba

In exercise of the powers conferred by Sub-section (1) of Section 260 of the Code of Criminal Procedure 1973, the High Court of Kerala hereby specifically empowers the Judicial Magistrate of the First Class mentioned in column (2) of the Schedule hereto attached to try in a summary way all the offences mentioned in the said sub-section.

SCHEDULE

Name of the Judicial Magistrate of the First Class

Sl. No.	Name	Court
(1)	(2)	(3)
1	Shri Sreeraj, S.	Judicial First Class Magistrate, Thaliparamba

By order,

S. JAGADEES,

Registrar,

(Subordinate Judiciary).

Kochi.

NOTIFICATION

No. D1-76211/2008.

31st May 2012.

In exercise of the powers conferred by Articles 225 and 227 of the Constitution of India and of all other powers thereunto enabling and with the previous approval of the Governor of Kerala conveyed in G. O. (Ms.) No. 117/2012/Home dated 7-5-2012, the High Court of Kerala hereby makes the following further amendments to the "Rules regarding fees payable to Advocates" published in the Kerala Gazette No. 29 dated the 22nd July, 1969 namely :—

AMENDMENTS

In the said Rules, under the heading "Scale of Fees",—

1. Under the Sub heading "1-Subordinate Courts",—

(1) In rule 6,—

(i) in Sub rule (1), for figures, symbol and letters "10%" and "50", the figures, symbol and letters "20%" and "500" shall, respectively, be substituted ;

(ii) in sub-rule (2),—

(a) in item (i), for the figures, symbol and letters "12½%" and "150", the figures, symbol and letters "20%" and "500" shall respectively, be substituted ;

(b) in item (ii), for the figures and symbol "7½%" the figure and symbol "10%" shall be substituted ;

(c) in item (iii), for the figures and symbol "3%" the figure and symbol "8%" shall be substituted ;

(d) in item (iv), for the figure, and symbol "1%", the figure and symbol "5%" shall be substituted ;

(iii) in the proviso, for the letters and figures, "50" and "150", the letters and figures "500" and "1,500" shall, respectively, be substituted ;

(2) for rule 7, the following rule shall be substituted, namely :—

"7. In appeals for money, effects or other personal property or for land or other immovable property, the fee payable shall be calculated under sub-rule (2) of rule 6 subject to a minimum of ` 2,000, but when such appeals are settled, withdrawn, compromised or dismissed for default, only one half of the fee arrived at as above, shall alone be payable."

(3) in rule 8,

(i) in sub rule (1), for the letters and figures, "150" and "300", the letters and figures, "1,500" and "2,500" shall, respectively, be substituted ;

(ii) in sub-rule (2), for the letters and figures, "150" "300", "300" and "750" the letters and figures "1,500", "2,500", "2,000" and "3,000" shall respectively be substituted ;

(iii) in item (i) of sub-rule (3), for the letters and figures, "one fourth" and "250", the letters and figures "one half" and "2,000", shall, respectively, be substituted ;

(iv) in sub rule (4), for the letters and figures "150", the letters and figures "1,500", shall be substituted ;

(v) in sub rule (5), for the letters and figures "500", the letters and figures "2,500" shall be substituted ;

(vi) in sub rule (6), for the letters and figures, "500", "2,000", the letters and figures "2,500" and "5,000" shall, respectively, be substituted ;

(4) in rule 9, for the words "one third", the word "one half" shall be substituted ;

(5) in rule 10,—

(i) in sub-rule (1), for the letters and figures "one third", "one fourth", "25" and "50", the letters and figures "one half", "one third", "500" and "1,000" shall respectively be substituted ;

(ii) in sub-rule (2), for the letters and figures "one third", "one fourth", "25", "100", "50" and "500" the letters and figures "one half", "one third", "500", "2,500", "1,000" and "3,000" shall respectively be substituted ;

(6) in rule 11,—

(i) in sub rule (1), for the letters and figures "100", "250", "250" and "750" the letters and figures "1,000", "2,000", "2,000" and "2,500" shall, respectively, be substituted ;

(ii) in sub-rule (2), for the letters and figures "100", "500", "250" and "1,000", the letters and figures "1,000", "2,000", "2,000" and "3,000" shall, respectively, be substituted ;

(iii) in sub-rule (3), for the letters and figures "50" and "100", the letters and figures "500" and "1,000" shall, respectively, be substituted ;

- (iv) in sub rule (4), for the letters and figures “~ 50”, “~ 100” the letters and figures “~ 500” and “~ 1,000” shall respectively be substituted and for the letters and figures “~ 250”, the letters and figures not less than ` 1,500 and not more than ` 2,500” shall be substituted;
- (v) in Sub rule (5), for the letters and figures, “~ 100”, and “~ 1,000” the letters and figures “~ 1,000” and “~ 5,000” shall respectively be substituted;
- (vi) in Sub rule (6), for the letters and figures, “~ 100”, and “~ 1,000” the letters and figures “~ 1,000” and “~ 5,000” shall respectively be substituted;
- (vii) After sub-rule (6) the following sub-rule shall be added namely:—

(7) Fees chargeable for negotiation and conciliation for matters referred by the Court shall be at the rate not less than ` 250 and not greater than ` 1,000 on hourly basis”;

(7) in rule 12, for the letters and figures “~ 250”, and “~ 1,000” the letters and figures “~ 1,500” and “~ 5,000” shall respectively be substituted;

(8) in rule 13,—

- (i) in Sub rule (1), for the letters and figures, “~ 500” and “~ 750” the letters and figures “~ 2,000” and “~ 3,000” shall respectively be substituted;
- (ii) in Sub rule (2), for the letters and figures, “~ 250” and “~ 750” the letters and figures “~ 1,500” and “~ 3,000” shall respectively be substituted;
- (iii) in Sub rule (3), for the letters and figures, “~ 200” and “~ 750” the letters and figures “~ 1,500” and “~ 2,500” shall respectively be substituted;
- (iv) in Sub rule (4), for the letters and figures, “~ 200” and “~ 750” the letters and figures “~ 1,000” and “~ 3,000” shall respectively be substituted;

(9) in rule 14,—

- (i) in Sub rule (1), for the letters and figures, “~ 200”, “~ 600”, “~ 300” and “~ 900” the letters and figures “~ 1,000”, “~ 2,000”, “~ 1,000” and “~ 2,000” shall respectively be substituted;
- (ii) in sub-rule (2),—
 - (a) in item (i), for the letters and figures, “~ 250” and “~ 2,500” the letters and figures “~ 1,500” and “~ 5,000” shall respectively be substituted;

- (b) in item (ii), for the letters and figures, “~ 100” and “~ 750” the letters and figures “~ 1,000” and “~ 2,000” shall respectively be substituted;
- (iii) in sub-rule (3), for the letters and figures, “~ 200” and “~ 750” the letters and figures “~ 1,500” and “~ 2,000” shall respectively be substituted;
- (iv) in sub-rule (4), for the letters and figures, “~ 200” and “~ 750” the letters and figures “~ 2,000” and “~ 3,000” shall respectively be substituted;
- (v) in sub-rule (5),—
 - (a) in item (i), for the letters and figures, “~ 350” and “~ 3,000” the letters and figures “~ 2,500” and “~ 10,000” shall respectively be substituted;
 - (b) in the proviso to item (i), for the letters and figures, “~ 100” and “~ 350” the letters and figures “~ 1,000” and “~ 5,000” shall respectively be substituted;
- (vi) in sub-rule (6), for the letters and figures, “~ 200” and “~ 750” the letters and figures “~ 1,500” and “~ 5,000” shall respectively be substituted;
- (vii) in sub-rule (7), for the letters and figures, “~ 200” and “~ 750” the letters and figures “~ 1,500” and “~ 10,000” shall respectively be substituted;
- (viii) in sub-rule (8), for the letters and figures, “~ 250” and “~ 1,500” the letters and figures “~ 2,500” and “~ 5,000” shall respectively be substituted;
- (ix) in sub-rule (9), for the letters and figures, “~ 750” and “~ 3,500” the letters and figures “~ 2,000” and “~ 5,000” shall respectively be substituted;
- (x) in item (ii) of sub-rule (10), for the letters and figures “~ 200” and “~ 750”, the letters and figures “~ 1,500” and “~ 3,000” shall, respectively, be substituted;
- (10) in rule 15, for the letters and figures “~ 100” and “~ 500”, the letters and figures “~ 1,000” and “~ 2,500” shall, respectively, be substituted;
- (11) in rule 16, for the letters and figures “~ 25” and “~ 250”, the letters and figures “~ 750” and “~ 1,500” shall, respectively, be substituted;

II. Under the sub heading,—

“II. High Court”;—

(1) in rule 18, in the proviso to sub-rule (2) for the letters and figures “` 250” the letters and figures “` 2,500” shall be substituted;

(2) in rule 19, for the letters and figures “` 3,000, the letters and figures “` 10,000” shall be substituted;

(3) in rule 20, for the letters and figures “` 250” and “` 5,000”, the letters and figures “` 1,500” and “` 10,000” shall, respectively, be substituted;

(4) in rule 21, for the letters and figures “` 250” and “` 750”, the letters and figures “` 1,500” and “` 5,000” shall, respectively, be substituted;

(5) in rule 22, for the letters and figures “` 250” the letters and figures “` 1,500” shall, be substituted;

(6) in rule 23, for the letters and figures “` 500” and “` 2,000”, the letters and figures “` 3,000” and “` 6,000” shall, respectively, be substituted;

(7) in rule 24,—

(i) in item (a), for the letters and figures, “` 1,500” and “` 7,500”, the letters and figures “` 5,000” and “` 10,000” shall respectively be substituted;

(ii) in item (b), for the letters and figures, “` 500” and “` 5,000” the letters and figures “` 2,000” and “` 7,500” shall, respectively, be substituted;

(iii) in item (c), for the letters and figures, “` 500” and “` 2,000”, the letters and figures “` 2,000” and “` 5,000” shall, respectively, be substituted;

(iv) in item (d), for the letters and figures, “` 250” and “` 750”, the letters and figures “` 2,000” and “` 5,000” shall, respectively, be substituted;

(v) in item (e), for the letters and figures “` 250” and “` 1,500”, the letters and figures “` 2,000” and “` 3,500” shall respectively, be substituted;

(vi) in item (f), for the letters and figures, “` 500” and “` 2,000”, the letters and figures “` 2,500” and “` 5,000” shall, respectively, be substituted;

(8) in rule 25, for the words, “one third”, the words “one half” shall be substituted;

(9) in rule 26, for the letters and figures “` 250”, the letters and figures “` 2,500” shall be substituted;

(10) in rule 35, for the words, “one third”, the words “one half” shall be substituted;

(11) in rule 36, for the letters and figures “` 50”, “` 100”, “` 100” and “` 250”, the letters and figures “` 500”, “` 1,500”, “` 1,000” and “` 3,500” shall, respectively, be substituted;

By order,
S. JAGADEES,
Registrar
(Subordinate Judiciary).

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The fees payable to Advocates in the High Court and in the Subordinate Courts in the State was last revised in the year 2003 vide Notification No. DI (A)-30370/99 dated 22nd May, 2003. In view of a request from the Bar Council of Kerala for revision of the scale of fees by proposing amendments to the present rules, the High Court considered it necessary to revise the existing rates of fees.

The notification is intended to achieve the above purpose.

QUOTATION NOTICE

No. F2-040960/2012.

29th May 2012.

Sealed quotations are invited for the binding and rebinding of Books/Periodicals/Reports/Gazettes in the High Court Library, as per the specifications given below for a period of one year.

1. The lowest satisfactory quotation will ordinarily be accepted, but the Registrar General reserves to himself the right to reject all or any of the quotation, without assigning any reason thereof.
2. The successful quotationer will have to deposit a sum of ` 1,000 as security, immediately on acceptance of the quotation and also to be execute an agreement.
3. The successful quotationer will report before High Court on all Saturdays except second saturdays unless ordered otherwise.
4. The last date fixed for the receipt of the quotation in this office is 23rd June 2012 at 2.30 p. m. The sealed quotation will be opened by the Registrar General at 3 p. m. on that day.
5. Further details can be had from this office on any working day during office hours.

SPECIFICATIONS

1. Rates of Books and Periodicals to be bounded in half leather and calico with the name, year, edition, etc. printed in golden letter-open binding sewn.
2. Rates for Gazettes to be bound in half leather and calico with the name, year, etc. printed in ink-open binding sewn.
3. Rates for Gazettes to be bound in cloth and calico with the name, year, etc. printed in ink-open binding sewn.

By order,

B. KEMAL PASHA,
Registrar General.

Kochi.

NOTIFICATIONS

(1)

No. B1-57/2012.

16th May 2012.

In exercise of the powers conferred by Section 9(3) of the Code of Criminal Procedure 1973, the High Court of Kerala hereby appoint the person mentioned in column (1) of the Schedule hereto attached to be the Assistant Sessions Judge to exercise jurisdiction in the Courts of Session mentioned against her name in column (2) thereof from the date of taking charge.

SCHEDULE

Name	Court of Sessions
(1)	(2)
Smt. V. P. Indira Devi	Neyyattinkara

(2)

No. B1-57/2012 (1).

16th May 2012.

In exercise of the powers conferred by Section 9(3) of the Code of Criminal Procedure 1973, the High Court of Kerala hereby appoints the persons mentioned in column (1) of the Schedule hereto attached to be Additional Sessions Judges to exercise jurisdiction in the Courts of Session mentioned against their names in column (2) thereof from the date of taking charge.

SCHEDULE

Sl. No.	Name of Officer	Courts of Sessions
(1)	(2)	(3)
1	Sri Sureshkumar Paul	Neyyattinkara in Thiruvananthapuram
2	Sri George Mathew (Jr.)	Thiruvananthapuram

(3)
No. B1-57/2012 (2).

16th May 2012.

In exercise of the powers conferred by section 12(1) of the Code of Criminal Procedure 1973, the High Court of Kerala hereby appoint the Sub Judge/Chief Judicial Magistrate mentioned in column (1) of the Schedule hereto attached as the Chief Judicial Magistrate in the District specified against his name in column (2) thereof from the date of taking charge.

SCHEDULE

Name of the Sub Judge/ Chief Judicial Magistrate	Name of the District
(1)	(2)
Shri Joshy John	Thiruvananthapuram

(4)
No. B1-57/2012 (4).

16th May 2012.

(i)

In exercise of the powers conferred by section 11(3) of the Code of Criminal Procedure 1973, the High Court of Kerala hereby appoints the person mentioned in column (2) of the schedule hereto attached to be the Judicial Magistrates of the First Class to preside over the Courts specified against their names in column (3) thereof from the date on which they take charge.

SCHEDULE

Sl. No.	Name	Court
(1)	(2)	(3)
1	Shri Sudeep, S.	Judicial First Class Magistrate, Neyyattinkara
2	Shri A. Sameer	Judicial First Class Magistrate, Nedumangad

(ii)

In exercise of the powers conferred by sub-section (1) of Section 260 of the Code of Criminal Procedure 1973, the High Court of Kerala hereby specifically empowers the Judicial Magistrates of the First Class mentioned in column (2) of the Schedule hereto attached to try in a summary way all the offences mentioned in the said sub-section.

SCHEDULE

Name of the Judicial Magistrates of the First Class		
Sl. No.	Name	Court
(1)	(2)	(3)
1	Shri Sudeep, S.	Judicial First Class Magistrate, Neyyattinkara
2	Shri A. Sameer	Judicial First Class Magistrate, Nedumangad

By order,

S. JAGADEES,

Registrar

Kochi.

(Subordinate Judiciary).

NOTIFICATION

No. D1-86157/2006.

25th May 2012.

In exercise of the powers conferred by Article 225 of the Constitution of India and section 122 of the Code of Civil Procedure, 1908 and of all other powers hereunto enabling it in this behalf, the High Court of Kerala hereby publishes for general information the draft of the amendments proposed to the Rules of the High Court of Kerala, 1971.

Notice is hereby given that the said draft will be taken up for consideration after thirty days from the date of publication of this notification in the official Gazette. Any objection or suggestion received from any person with respect to the draft will be considered by the High Court. Objections or suggestions, if any, shall be addressed to the Registrar (Subordinate Judiciary), High Court of Kerala, Kochi-31.

AMENDMENTS

In the Rules of the High Court of Kerala, 1971,—

(i) in Rule 19, the existing sub-rule (4) shall be renumbered as sub-rule (5) and before sub-rule (5) as so renumbered, the following sub-rule shall be inserted, namely:—

“(4) The execution of vakalath other than those covered by sub-rule (3) shall be made in the presence of at least one witness. When a registered clerk signs as witness to the execution of a vakalath, he shall affix his full signature and legibly write his name along with the register number allotted to him from the Registry of the High Court”;

(ii) for rule 41, the following shall be substituted, namely:—

“41. Papers to be filed with memoranda of appeals:— Every memorandum of appeal shall be accompanied by the following documents, namely:—

- (a) Certified copy of the judgment or order appealed against.
- (b) Duly authenticated copy of petition, affidavit including reply affidavit and annexures thereto, in the case of Company Appeals.
- (c) Duly authenticated copy of the Writ Petition/Original Petition, affidavits including counter and reply affidavits and statements, if any, filed in the Writ Petition/Original Petition and annexures thereto, in the case of Writ Appeals.
- (d) As many clear authenticated copies of the memorandum of appeal as there are respondents to be served, two additional

copies with the documents mentioned in clauses (a), (b) and (c) for the use of the Court and in appeals where the State is a respondent, two more copies for the use of that respondent.

- (e) Such papers as are referred to in the Code with regard to Appeals.
- (f) The fees prescribed for service of notice on the respondent.
- (g) The particulars for service as set out in Form No. 3.

Provided that in the case of a memorandum of appeal presented after the expiration of time limited by law, or memorandum of appeal presented in forma pauperis, the fees for the service of notice of the appeal may be paid within seven days of the final order of the Court excusing the delay or granting leave to file the said proceeding in forma pauperis, as the case may be

Provided further that one of the additional copies filed for use of the Court shall be in ledger paper”;

(iii) in chapter IV, after rule 51, the following rule shall be inserted, namely:—

“51A. Letter instead of notice in certain cases—

Notwithstanding anything contained herein above, the Registry under the orders of the Honourable Chief Justice or the judge concerned may substitute for a notice, a letter signed by the Registrar or such Officer as the Chief justice may appoint in this behalf, where the respondent is in its opinion of a rank entitling him to such mark of consideration and is sued in the case in his official capacity. The letter shall contain all the particulars required to be stated in a notice and shall be treated in all respects as a notice”;

(iv) in rule 129, in the second sentence after the word “judgments” the words “and decrees” shall be inserted;

(v) in Chapter XI, for the existing title, the following title shall be substituted namely:—

“proceedings under articles 226, 227 and 228 of the constitution”;

(vi) in rule 145, after the words and figures “An application under Article 226 or under Article 227 or under both”, the words and figures “under Article 228”, shall be inserted;

(vii) in rule 148A, after the words and figures “An application under Article 226 or 227”, the words and figures “or 228” shall be inserted;

(viii) in sub rule (2) of rule 150, after the words and figures “Any motion for interim relief at the time of admission may be made in the application under Article 226 or 227”, the words and figures “or 228”, shall be inserted;

(ix) after rule 157, the following rule shall be inserted, namely:—

“157A. Transmission of order of costs for execution—

Where costs have been awarded by the Court in a proceeding to which these rules apply or an appeal therefrom but have not been paid, the person entitled to such costs may apply to the Court for execution of the order. The application shall be accompanied by an affidavit stating the amount of costs awarded and the amount remaining unpaid. The Court may direct the order to be sent to the District Court of the District in which the order is to be executed. The order may be executed by such court as if it is a decree for costs passed by itself or transferred for execution to any subordinate Court”.

By order,

S. JAGADEES,
Registrar

Kochi. (Subordinate Judiciary).

Chief Judicial Magistrate Court, Thrissur

NOTIFICATION

No. B3-4772/2011.

30th May 2012.

*Sub.—Establishment of Evening Court at Thrissur—
Notification—reg.*

*Ref.—Notification No. D7-28651/2006 dated,
29-9-2011 of the Hon. High Court of Kerala.*

In exercise of the powers conferred by the sub section (1) of Section 14 of the Code of the Criminal Procedure 1973 (Act 3 of 1974) the Chief Judicial Magistrate, Thrissur hereby defines the local areas within which the persons mentioned in Col. No. I of the schedule hereunder may exercise all or any of the powers which may be invested under the code, for the period from 1-6-2012 to 30-6-2012.

SCHEDULE

Name of Officer	Name of Police Station
(I)	(II)
Sri G. Anil, Judicial First Class Magistrate (Evening), Thrissur	Thrissur East Thrissur West Traffic Viyyur Ollur Railway P.S., Thrissur Mannuthy Nedupuzha (Cases coming under section 260 of Crl. Procedure Code within the above Police station limits, made over by the Chief Judicial Magistrate, Thrissur)
Office of the Chief Judicial Magistrate Thrissur.	(Sd.) <i>Chief Judicial Magistrate.</i>